IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 11823 of 2006(G)

PETITIONER:

K.V.MURALEEDHARAN, AGED 55 YEARS,
S/O.K.V.SAROGINI AMMA, DEPUTY ADMINISTRATOR
(FINANCE), GURUVAYOOR DEVASWOM,
RESIDING AT CHETTANNETHU HOUSE,
EAST NADA, GURUVAYOOR.

BY ADV. SRI.P.V.MOHANAN
SMT.P.ROSAMMA JOSEPH

RESPONDENTS:

1. **THE MANAGING COMMITTEE,**
GURUVAYOOR DEVASWOM,
REPRESENTED BY THE ADMINISTRATOR,
GURUVAYOOR DEVASWOM, GURUVAYOOR.

2. **THE COMMISSIONER, GURUVAYOOR DEVASWOM,**
(SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT)
THIRUVANANTHAPURAM.

BY ADV. SRI.M.RAMESH CHANDER, SC, GDB
SRI.U.K.RAMAKRISHNAN
SRI.E.K.MADHAVAN
SRI.P.V.LOHITHAKSHAN
SRI.V.KRISHNA MENON
SMT.P.VIJAYAMMA
BY GOVERNMENT PLEADER SRI.P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.11823/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE PROCEEDINGS NO.A2-4492/2005 DT.10.3.06.

EXT.P2:- COPY OF THE PROCEEDINGS NO.111/2005 GDC DT.8.4.2006.

EXT.P3:- COPY OF THE ORDER NO.N.1/61 DT.9.3.1961.

EXT.P4:- COPY OF THE JUDGMENT IN OP. NO.1360/64 DT.29.6.64.

EXT.P5:- COPY OF THE MEMO NO.R.3088/64 DT.1.6.64.

EXT.P6:- COPY OF THE JUDGMENT IN W.A. NO.52/66 DT.21.7.66.

EXT.P7:- TRUE EXTRACT OF RULE 4(2) OF THE RULES FRAMED UNDER SECTION 100 OF MADRAS HINDU RELIGIOUS AND CHARITALBE ENDOWNMENT ACT.

/TRUE COPY/

tss

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.11823 of 2006-G

Dated this the 28th day of May, 2007

J U D G M E N T

The petitioner was the Deputy Administrator (Finance), working in the Guruvayur Devaswom. Claiming retention in service till the age of 58 years, this writ petition is filed. The petitioner relies on the order of the Commissioner of Hindu Religious and Charitable Endowment (Administration) Department. It says the age, qualifications prescribed for public services will be followed and the age of retirement will be fixed at 58. This will be applicable to all the temple services. It is an order dated 9-3-1961. The petitioner submits, though the Guruvayur Devaswom Act came into force, section 34 of the said Act will save Ext.P3 order. Section 34 reads as follows:

> **34.Savings**:- Nothing in this Act shall, save as otherwise expressly provided in this Act or the rules made thereunder, affect any honour, emolument or perquisite to which any person is entitled by custom or otherwise from or in the Devaswom, or its established usage in regard to any other matter.

In view of the above-quoted provision , the petitioner claims retention

in service till the age of 58.

2.The first respondent has filed a counter affidavit resisting the prayers in the writ petition.

3. Heard. It is common case that at present the age of superannuation of employees of the Guruvayur Devaswoms are governed by the provisions of the KSR. While framing Regulations in 1983, the provisions of KSR were adopted. So, after 1983, all the employees will have to retire at the age of 55, unless there is some saving clause either in the Act or Regulation. But, going by Section 34, the provision regarding age of retirement is not saved by it. A close reading of it would show that it has nothing to do with the retirement age. Therefore, the contention of the petitioner is plainly unsustainable. Accordingly, the Writ Petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

MS